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U.S. Department of Justice

*United States Attorney*  
*Southern District of New York*

86 Chambers Street  
 New York, New York 10007

March 3, 2023

**VIA ECF**

The Honorable Jennifer H. Rearden  
 United States District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

The parties' request for a 60-day extension of the  
 discovery deadlines (ECF No. 22) is GRANTED.  
 SO ORDERED.

*Jennifer H. Rearden*  
 March 6, 2023

Re: *Darryl Carrington v. United States of America, et al.*,  
 No. 22-cv-4499 (KPF)

Dear Judge Rearden:

This Office represents the United States of America (the "United States") in the above-referenced Federal Tort Claims Act action, which concerns allegations that U.S. Marshals injured Plaintiff by dislocating his shoulder in the course of an arrest on November 6, 2019. I write respectfully on behalf of the United States and Plaintiff to provide the Court with an update on the status of discovery and to request an extension of the discovery deadlines. This is the parties' second request for an extension of these deadlines.

At present, fact discovery is scheduled to close on March 6, 2023, and expert discovery is scheduled to close on April 21, 2023. (See ECF No. 17). The parties respectfully request one additional extension of the discovery deadlines, for 60 days, such that fact discovery would close on May 5, 2023, and expert discovery would close on June 19, 2023.

As a status update, on December 23, 2022, the United States served a second set of Interrogatories on Plaintiff, and on January 26, 2023, Plaintiff served a second set of discovery requests on the United States; the parties have since served their respective responses to those requests. Also on December 23, 2022, the United States served Plaintiff with a demand for a number of medical and insurance authorizations.<sup>1</sup> Plaintiff objected to the proposed scope of these releases, and the parties have been working diligently to reach an agreement by identifying any potentially relevant medical providers of Plaintiff's for the five years preceding his November 2019 arrest.

<sup>1</sup> The demand sought authorizations to obtain (1) all documents concerning Plaintiff from every person or organization that provided medical care or treatment to Plaintiff since January 1, 2014, *i.e.*, approximately 5 years preceding the November 6, 2019 arrest; (2) all documents concerning Plaintiff from every pharmacy where Plaintiff has filled prescriptions since January 1, 2014; (3) all documents concerning Plaintiff from every insurance plan, employee or union benefits plan, medical plan, or other entity that, since January 1, 2014, have paid for Plaintiff's hospital, medical, or other health-related care; and (4) all documents concerning Plaintiff from every employer from whom Plaintiff received payments for having done work since January 1, 2014.

The parties believe that they will reach a resolution concerning this discovery dispute without the need for judicial intervention, but respectfully request additional time to gather the agreed upon medical records and complete the depositions of Plaintiff and the three U.S. Marshals present during the November 6, 2019 arrest. The parties also will identify additional deponents promptly, if necessary, after these additional records are collected.

We thank the Court for consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney

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